

REMARKS

This paper is filed in response to the office action mailed on July 30, 2004.

In the office action, claims 1-21 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,416,930 ("Wakiya") alone or Wakiya in view of U.S. Patent No. 6,673,517 ("Nishi").

In response, numerous changes have been made to the claims. Claims 1-9 have been canceled. Claim 10 has been amended to include the limitations of canceled claims 2, 3 and 11 to render independent claim 10 allowable and the remaining dependent claims including claims 12-17, 19-21 and new claims 22-27. Claims 11 and 18 have been canceled. Claims 10, 12-17, and 19-27 remain pending.

Applicants respectfully submit that any obviousness rejection based upon Wakiya alone or Wakiya in view of Nishi is improper for the following reasons. Specifically, under MPEP §§ 2142 and 2143,

[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Citing, In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *see also* MPEP § 2143-§ 2143.03 for decisions pertinent to each of these criteria.

Applicants respectfully submit that neither Wakiya nor the hypothetical combination of Wakiya and Nishi teaches or suggests all the limitations of amended claim 10 and there is no motivation to modify Wakiya and Nishi in order to come up with a hypothetical combination that would include all of the limitations of amended claim 10. Therefore, any obviousness rejection based upon Wakiya and Nishi fails to meet the standard set forth by §§ 2142 and 2143.

Amended claim 10 requires the formation of a photoresist pattern, coating the photoresist pattern with an overcoating composition and then developing the overcoating

composition to reduce the line width of the positive pattern. No combination of Wakiya and Nishi teaches or suggests this process.

The base reference, Wakiya teaches an anti-reflection coating comprising a copolymer of a water-soluble film forming monomer and a fluorine-containing surfactant such as the salt of perfluorooctanic acid and p-toluenesulfonic acid to adjust the pH. Wakiya then teaches the formation of a resist laminate formed by coating a photoresist film with the above-referenced composition.

Nowhere in Wakiya is it taught or suggested that an overcoating composition be developed to reduce the line width of the positive pattern. Wakiya does not teach or suggest the development of its anti-reflection coating. Instead, Wakiya teaches the formation of a resist laminate. See the abstract of Wakiya and column 4, lines 46-47. See also Wakiya in the last paragraph of column 6 which teaches the heating of the anti-reflection coating to create the resist laminate.

The secondary reference, Nishi, is merely cited for the proposition that it teaches specific polymers. However, the cited polymers of Nishi are structurally different from those of amended claim 10. Further, the polymers of Nishi are directed toward a resist composition not an overcoating composition. In any event, the recurring units of Nishi include bicycloalkene compounds (see Formulas 1-3 of Nishi), maleic and hydride compounds (see Formula 4 of Nishi) and acrylate compounds (see Formula 5 of Nishi), but none of these compounds teach the overcoating polymer composition of amended claim 10. Thus, not only are the use of the polymers of Nishi different from the overcoating composition of amended claim 10, the polymers of Nishi are structurally different from the overcoating composition of amended claim 10 as well.

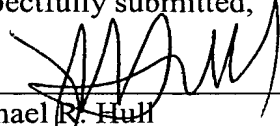
Accordingly, no hypothetical combination of Wakiya and Nishi establishes a *prima facie* case of obviousness under §§ 2142 or 2143, and therefore the obviousness rejections are improper and should be withdrawn.

An early action indicating the allowability of the present application is earnestly solicited.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

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Respectfully submitted,

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